

November 2, 2017

Medical Marihuana Facilities: Temporary Operation

The purpose of this bulletin is to advise the public and potential applicants of the Bureau of Medical Marihuana Regulation's intention as to how to address proposed marihuana facilities that may currently be in operation under local municipal authority. This bulletin is only for advisory purposes and is subject to change.

To help ensure the continued protection of medical marihuana patients the department intends to address in emergency rules that an applicant currently operating a proposed marihuana facility that would otherwise require a state operating license will not automatically impede the applicant's eligibility for state licensure if either of the following conditions are met:

1. The applicant's proposed marihuana facility is in a municipality that has adopted an authorizing ordinance prior to December 15, 2017 and the municipality is pending adoption of an ordinance under Section 205 of the MMFLA; or
2. The applicant's proposed marihuana facility is in a municipality that has adopted an authorizing ordinance pursuant to Section 205 of the MMFLA prior to December 15, 2017.

An applicant that is temporarily operating under local authority is not guaranteed a state operating license.

Additionally, the following requirements must be adhered to:

- The adoption of the ordinance must be (1) attested to by the clerk of the municipality and (2) the municipality must authorize the temporary operation of the applicant.
- The applicant must apply for a state operating license no later than February 15, 2018 --otherwise any operation may be considered as an impediment to state licensure.
- Noncompliance with temporary operation may be grounds for disciplinary action and could be referred to law enforcement for unlicensed activity.
- The applicant must be issued or denied a license on or before June 15, 2018.
- The municipality must have adopted or amended an ordinance in compliance with section 205 no later than June 15, 2018.
- An applicant denied a license must cease and desist any operation if they have not been issued a license by June 15, 2018.
- Any temporary operation after June 15, 2018 will be considered unlicensed activity.
- Unlicensed activity may result in a referral to law enforcement for unlicensed activity. The Department may forward any or all unlicensed activity to the Departments of the State Police and Attorney General.
- If a state operating license is issued, an applicant is no longer operating temporarily and must comply with all rules and regulations that apply to licensees.

This bulletin does not constitute legal advice and is subject to change. It is intended to be advisory only, in anticipation of the Department of Licensing and Regulatory Affairs' promulgation of emergency rules consistent with statutory requirements. Potential licensees are encouraged to seek legal counsel to ensure



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their licensure applications and operations comply with the Medical Marihuana Facilities Licensing Act and associated administrative rules.

More information on the BMMR can be found at the bureau's website: www.michigan.gov/bmmr.

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